

FILED  
MISSOULA, MT

2006 MAY 12 AM 8 05

PATRICK E. DUFFY

BY \_\_\_\_\_  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

MISSOULA DIVISION

WILLIAM M. HALLEY,	)	CV-04-227-M-DWM
	)	
Petitioner,	)	
	)	
vs.	)	ORDER
	)	
DISTRICT COURT OF THE MONTANA	)	
FOURTH JUDICIAL DISTRICT,	)	
MISSOULA COUNTY, and the	)	
HONORABLE JUDGE JOHN W. LARSON,	)	
DISTRICT JUDGE.	)	
	)	
Respondents.	)	
_____	)	

United States Magistrate Judge Leif Erickson entered Findings and Recommendation (dkt #4) in this matter on July 25th, 2005. Petitioner Halley did not timely object and so has waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v.*


Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Petitioner filed a Petition for a Writ of Mandamus seeking an order to compel the Fourth Judicial District Court of Missoula County and the Honorable Judge John W. Larson to amend its November 4, 2004 Order where the Court ordered Halley remanded into the custody of the Missoula County Sheriff until he had fulfilled his obligation under a subpoena to testify in a criminal matter. Halley sought to expedite his transfer to Oregon. Since that time, Halley has advised the Court he has relocated to Bend, OR. Halley's motion is moot.

Thus, based on the foregoing, IT IS HEREBY ORDERED that Judge Erickson's Findings and Recommendations are adopted in full and Petitioner's Writ of Mandamus is DENIED AS MOOT.

*The case is dismissed without prejudice.*

DATED this 11<sup>th</sup> day of May, 2006.

  
Donald W. Molloy, Chief Judge  
United States District Court